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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/733,030	12/11/2000	Mamoru Mochizuki	001598	2514

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EXAMINER

TRAN, DOUGLAS Q

ART UNIT PAPER NUMBER

2624

DATE MAILED: 06/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/733,030

Applicant(s)

MOCHIZUKI, MAMORU

Examiner

Douglas Q. Tran

Art Unit

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3-8 and 10-19 is/are pending in the application.
- 4a) Of the above claim(s) 19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-8 and 10-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Specification*

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

### *Election/Restrictions*

2. Applicant's election without traverse of group I, claims 1, 3-8, 10-18, in the reply filed on 4/08/05 is acknowledged; and claim 19 withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected claim from group II, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 4/08/05.

### *Claim Objections*

3. Claim 10 objected to because of the following informalities: claim 10 should depend on claim 8 not claim 9 because claim 9 is already canceled. Appropriate correction is required.

### *Claim Rejections - 35 USC § 112*

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1, 3-8, 10-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

For at least claims 1, 8, the limitations of “ **a single** or a plurality of print requestee printers connected via a network to said host”; “said host abstractly defining a port of a printer driver serving as an output path to **an actual printer**” and “ when there occurs a print request to said port of the printer driver, said host automatically selects **a specific printer** for printing through sequential execution,...” (emphasis added) that is indefinite for failing to particularly point out and distinctly claim because of the following:

1) what is a specific printer is when there occurs a print request to port of the printer driver? the print request is a special print request?

2) in the case of a single print requestee printer connected to the host, the host really needs to automatically select a specific printer.

3) What is a different between the a specific printer and an actual printer ?

For at least claims, 1, 8 and 15 the limitations of ““said host abstractly defining a port of a printer driver serving as an output path to **an actual printer**” and “ when there occurs a print request to said port of the printer driver, said host automatically selects **a specific printer** for printing through sequential execution,...” (emphasis added) that is indefinite for failing to particularly point out and distinctly claim because of the following:

1) Since the host abstractly defining a single port of a printer driver serving as a single output path to a single actual printer, the host needs to select a specific printer ? a specific printer is the same as an actual printer or others.

2) If a specific printer is not the same as an actual printer then why there is only a single port of printer driver is addressed to claims.

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6. Claims 1, 8 and 15 rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential elements, omitting essential steps, omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the elements. See MPEP § 2172.01. The omitted elements, steps and structural cooperative relationships are following:

1) a print request is need to be defined as a print request without requesting a printer then the host automatically select the printer;

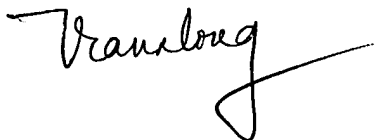
2) the relationship or not between the actual printer and the specific printer; and

3) there should be a element or step for defining the specific printer, for example, why the specific printer automatically is selected when there occurs a print request to the port of printer driver that is served as an output path to an actual printer.

***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Douglas Q. Tran whose telephone number is (571) 272-7442 or E-mail address is douglas.tran@uspto.gov.

Douglas Q. Tran  
June 21, 2005

A handwritten signature in black ink, appearing to read "Tran Douglas", with a long horizontal stroke extending to the right.